

NELSON, MULLINS, RILEY &amp; SCARBOROUGH, LLP

OLSON, CANNON, GORMLEY, ANGULO &amp; STOBERSKI

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

**Plaintiff,**

**VS.**

**Defendants.**

**IT IS HEREBY STIPULATED AND AGREED** by and among Steven W. Myhre,  
Acting United States Attorney ("USA"), John Patrick Burns, Assistant United States Attorney

("AUSA"), Solomon L. Wisenberg, Esq., and Peter Angulo, Esq., attorneys for Defendants Richard C. Neiswonger and Shannon Neiswonger, that the sentencing currently scheduled for January 22, 2018 be vacated and continued until May 1, 2018, or a date thereafter convenient to the Court.

The Stipulation is entered into for the following reasons:

1. This is the fourteenth request to continue Mr. Neiswonger's sentencing in this matter.

The first request was made through stipulation of the parties on August 1, 2012 (Docket Entry 76) and was granted by the Court on August 2, 2012 (Docket Entry 77). The second request was entered by the Court on September 26, 2012, through a Minute Order upon oral stipulation of counsel (Docket Entry 81). This Minute Order was entered on the same date that the Court accepted guilty pleas and set a July 8, 2013 sentencing date for Mr. Neiswonger and Mrs. Shannon Neiswonger in Case Number 2:12-CR-00281-JAD-CWH. *See* Minutes of Proceedings (Docket Entry 22) in Case Number 2:12-CR-00281-JAD-CWH. The third request was made by stipulation of the parties on May 31, 2013 (Docket Entry 93) and was granted by the Court the same day (Docket Entry 94). The fourth request was made by stipulation of the parties on September 25, 2013 (Docket Entry 105) and was granted by the Court on September 26, 2013 (Docket Entry 106). The fifth request was made by stipulation of the parties on December 23, 2013 (Docket Entry 117) and was granted by the Court on December 26, 2013 (Docket Entry 118). The sixth request was made by stipulation of the parties on March 14, 2014 (Docket Entry 122) and was granted by the Court on March 19, 2014 (Docket Entry 123). The seventh request was made by stipulation of the parties on June 18, 2014 (Docket Entry 132) and was granted by the Court on June 18, 2014 (Docket Entry 133). The eighth request was made by stipulation of the parties on December 4, 2014 (Docket Entry 144) and was

granted by the Court on December 9, 2014 (Docket Entry 147). The ninth request was made by stipulation of the parties on May 15, 2015 (Docket Entry 150) and was granted by the Court on May 18, 2015 (Docket Entry 151). The tenth request was made by stipulation of the parties on October 12, 2015 (Docket Entry 155) and was granted by the Court on October 13, 2015 (Docket Entry 156). The eleventh request was made by stipulation of the parties on March 9, 2016 (Docket Entry 161) and was granted by the Court the same day (Docket Entry 162). The twelfth request was made by stipulation of the parties on December 12, 2016 (Docket Entry 177) and was granted by the Court the same day (Docket Entry 178). The thirteenth request was made by stipulation of the parties on June 19, 2017 (Docket Entry 191) and was granted by the Court on the same day (Docket Entry 192).

2. The additional time requested herein is not sought for purposes of delay.
3. In late October 2015 Shannon Neiswonger, Mr. Neiswonger's wife, suffered a serious, life-threatening and debilitating brain injury. Mr. Neiswonger is assisting in providing virtually round-the-clock care for Mrs. Neiswonger, who underwent her second major brain surgery related to the injury on March 7, 2016, and is still under a specialist's care. Accordingly, on November 27, 2017, the Court granted Mrs. Neiswonger's unopposed motion for competency evaluation in the related action, Case Number 2:11-CR-00281-JAD-CWH. The Court-appointed competency evaluator was ordered to conduct a competency evaluation by February 1, 2018.
4. On December 8, 2017, the Court scheduled a telephonic status conference for December 15, 2017 in the above-captioned action and in the related action, Case Number 2:11-CR-00281-JAD-CWH. During the status conference, all parties agreed that, in light of recent events and Mrs. Neiswonger's medical issues, the defendants' sentencings will need to be

continued and their presentence investigation reports need to be updated (Docket Entry 198). The Court directed the parties to file a stipulation to continue the defendants' sentencings until an available date in April or May of 2018, after the completion of Mrs. Neiswonger's competency evaluation, and to confer and reach agreement with the U.S. Probation Office regarding the timetable for completing and responding to the Probation Office's updated draft Presentence Report.

5. For the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until May 1, 2018 or a date thereafter convenient to the Court.

**DATED** this 19th day of December, 2017,

STEVEN W. MYHRE  
ACTING UNITED STATES ATTORNEY

/s/  
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501 Las Vegas Boulevard S., Suite 1100  
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*NEISWONGER*

OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI

/s/  
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Attorney for Defendant (Associated Counsel)  
*NEISWONGER*

### **FINDINGS OF FACT**

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the fourteenth request to continue Mr. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on August 1, 2012 (Docket Entry 76) and was granted by the Court on August 2, 2012 (Docket Entry 77). The second request was entered by the Court on September 26, 2012, through a Minute Order upon oral stipulation of counsel (Docket Entry 81). This Minute Order was entered on the same date that the Court accepted guilty pleas and set a July 8, 2013 sentencing date for Mr. Neiswonger and Mrs. Shannon Neiswonger in Case Number 2:12-CR-00281-JAD-CWH. *See* Minutes of Proceedings (Docket Entry 22) in Case Number 2:12-CR-00281-JAD-CWH. The third request was made by stipulation of the parties on May 31, 2013 (Docket Entry 93) and was granted by the Court the same day (Docket Entry 94). The fourth request was made by stipulation of the parties on September 25, 2013 (Docket Entry 105) and was granted by the Court on September 26, 2013 (Docket Entry 106). The fifth request was made by stipulation of the parties on December 23, 2013 (Docket Entry 117) and was granted by the Court on December 26, 2013 (Docket Entry 118). The sixth request was made by stipulation of the parties on March 14, 2014 (Docket Entry 122) and was granted by the Court on March 19, 2014 (Docket Entry 123). The seventh request was made by stipulation of the parties on June 18, 2014 (Docket Entry 132) and was granted by the Court on June 18, 2014 (Docket Entry 133). The eighth request was made by stipulation of the parties on December 4, 2014 (Docket Entry 144) and was granted by the Court on December 9, 2014 (Docket Entry 147). The ninth request was made by stipulation of the parties on May 15, 2015 (Docket Entry 150) and was granted



by the Court on May 18, 2015 (Docket Entry 151). The tenth request was made by stipulation of the parties on October 12, 2015 (Docket Entry 155) and was granted by the Court on October 13, 2015 (Docket Entry 156). The eleventh request was made by stipulation of the parties on March 9, 2016 (Docket Entry 161) and was granted by the Court the same day (Docket Entry 162). The twelfth request was made by stipulation of the parties on December 12, 2016 (Docket Entry 177) and was granted by the Court the same day (Docket Entry 178). The thirteenth request was made by stipulation of the parties on June 19, 2017 (Docket Entry 191) and was granted by the Court on the same day (Docket Entry 192).

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sentencings until an available date in April or May of 2018, after the completion of Mrs. Neiswonger's competency evaluation, and to confer and reach agreement with the U.S. Probation Office regarding the timetable for completing and responding to the Probation Office's updated draft Presentence Report.

**CONCLUSIONS OF LAW**

1. For the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until May 1, 2018, or a date thereafter convenient to the Court.

**ORDER**

**IT IS HEREBY ORDERED** that the sentencing currently scheduled for January 22, 2018, be vacated and continued to May 1, 2018, at the hour of 9:00 a.m.

DATED this 19th day of December, 2017.

  
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UNITED STATES DISTRICT JUDGE

Submitted by:

/s/

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PETER M. ANGULO, ESQ.

9050 W. Cheyenne Avenue

Las Vegas, NV 89129

Attorney for Defendant (Associated Counsel)

*NEISWONGER*